

states:

"Bellee et al does disclose this feature of the cutouts being of different dimensions. In Figure 1 it *appears* that (40) and (45) are of the same dimension and shape, however, in Figure 5 it is shown that (40) and (45) both have different depths, which constitute different dimensions." (emphasis added)

Regarding this statement, several comments are in order:

(1)

What a reference "appears" to teach from its drawing figures is not relevant under 35 USC 103 since patent drawings must illustrate what is claimed but not be as precise as engineering drawings.

Figure 1 of Bellee et al does not include reference numerals (40) and (45), and Figure 5 is a cross sectional view of Figure 4 and cutouts (40) and (45) in Figure 4 are shown to be of the same size.

Claim 1 recites that the cutouts have "at least one of: different dimensions and shapes." Figure 4 of Bellee et al does not show this distinction, and more importantly, Bellee et al does not discuss this distinction in their text.

(2)

Locke does not disclose cutouts, as the Examiner has noted "Locke does not disclose a dielectric layer containing a feed structure and a plurality of cutouts." (page 2 of the Office Action).

Bellee et al is relied upon for "this feature of the cutouts being of different dimensions." But as noted above, Bellee et al really does not teach this feature. All the cutouts shown in Bellee et al have exactly the same dimension and the same shape. The only difference

that can be seen is the different orientation of the cutouts; a first plurality of parallel slots (40) are perpendicularly aligned with a second plurality of parallel slots (45).

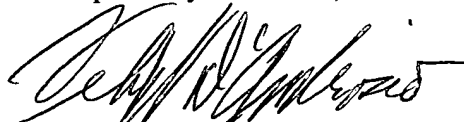
Furthermore, the problem addressed and solved by Bellee et al is different from that addressed and solved by the present invention. Belle et al refers to a dual polarized image element antenna array. According to the present invention an antenna capable of emitting and receiving measuring signals in a broadband fashion is utilized. The antennas are different.

Bellee et al does not disclose or suggest an antenna with a plurality of cutouts having at least one of: different dimensions and shapes, which different dimensions and shapes are defined in the planar direction of the first dielectric layer. To emphasize this point, new claim 11 has been added so that there can be no doubt that the dimensions and shape of the cutouts is referenced not in the depth direction but the planar direction of the dielectric layer

In view of the above the Examiner is urged to reconsider his rejection and find claims 1-11 allowable.

Submitted herewith is a certified copy of applicants priority application 101 08 993.7.

Respectfully submitted,



Felix J. D'Ambrosio
Reg. No. 25,721

March 31, 2003

JONES, TULLAR & COOPER, P.C.
P.O. Box 2266 Eads Station
Arlington, VA 22202
(703) 415-1500